

Item #: _____

Prepared by: Brian Kuhn
County Attorney

Approved by: Brian L. Kuhn
County Attorney

RESOLUTION AUTHORIZING THE COUNTY ATTORNEY'S OFFICE TO REVIEW AND RECOMMEND AN AGREEMENT WITH A LAW FIRM IN ORDER TO PURSUE FINANCIAL LITIGATION ON A CONTINGENCY FEE BASIS RELATIVE TO THE RECOVERY OF UNPAID HOTEL/MOTEL TAXES OWED TO SHELBY COUNTY BY INTERNET TRAVEL COMPANIES. SPONSORED BY COMMISSIONER STEVE MULROY.

WHEREAS, There has recently been litigation filed by law firms representing local governments seeking the recovery of unpaid hotel/motel taxes owed to them by internet travel companies; and

WHEREAS, It is the belief that several internet travel companies ["ITC's"] such as Expedia, Orbitz, and Hotels.com may have illegally withheld from Shelby County between \$1.5 and \$2.5 million per year in hotel/motel tax revenues; and

WHEREAS, Shelby County is interested in recovering these funds if possible and entering into a contract with an appropriately experienced law firm on a contingency fee basis to handle this type of litigation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the County Attorney's Office be and is hereby authorized to interview law firms experienced in the recovery of unpaid hotel/motel taxes owed to Shelby County by internet travel companies and to bring back to the County Commission a contract on a contingency fee basis for the employment of such law firm for this purpose.

BE IT FURTHER RESOLVED, That it is the intent of this Resolution for Shelby County to enter into such contract whereby these taxes can be recovered at no cost to County government and any and all fees and costs be paid on a contingency fee basis out of the recovery made.

BE IT FURTHER RESOLVED, That this resolution shall take effect from and after the date it shall have been enacted according to due process of law, the public welfare requiring it.

A C Wharton, Jr., County Mayor

Date: _____

ATTEST:

Clerk of County Commission

ADOPTED: _____